THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25013 of 2005

Dated 29th November 2005

Between:

S.Md.Khan S/o.Rahman Khan

…Petitioner

and

Office of the Commandant, 193 BN BSF, Kalyani,

Nadia, West Bengal & another.

…Respondents

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O R D E R:

The petitioner has been working as Head Constable in the Border Security Force. When he was working at 193 Battalion, Kalyani, in the State of West Bengal, he was tried by Summary Security Force Court. On the basis of the trial, he was dismissed from service, and the same was intimated to the petitioner, through order, dated 8.8.2005. Aggrieved by the order of dismissal from service, the petitioner preferred an appeal before the appellate authority, under the Border Security Force Act, at Kolkatta. The grievance of the petitioner is that the appeal has not been disposed of, as yet.

Heard the learned counsel for the petitioner and learned Senior Counsel for the Central Government.

The petitioner availed the remedy of appeal aggrieved by the order of dismissal, pursuant to a trial by a Summary Security Force Court. The appeal was presented, even according to the petitioner, in the month of September 2005. It cannot be said that there was any undue delay, on the part of the appellate authority, in disposing of the appeal. The record relating to the case needs to be called for and examined by the appellate authority. Having regard to the fact that the petitioner is out of service, the appellate authority may be required to expedite the hearing of the appeal.

For the foregoing reasons, the writ petition is disposed of, directing that the appeal preferred by the petitioner, against the order of dismissal, shall be disposed of, within a period of four months, from the date of receipt of a copy of this order. There shall be no order as to costs.

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29th November 2005

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